



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Infrastructure and Land Use Committee

Tuesday, October 11, 2005

9:30 AM

Commission Chamber

Charles Anderson, CPA
Commission Auditor

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**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor**

Legislative Analysis

**Infrastructure and Land Use Committee
Meeting Agenda**

Tuesday, October 11, 2005

Written analyses for the below listed items are attached for your consideration in this Legislative Analysis.

Item Number(s)

2L	2Q
2R	3D
4A	

Supplementary Information for the below listed item is provided for your consideration in this Legislative Analysis.

2(O)	
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If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Chief Legislative Analyst, at (305) 375-5469.

Acknowledgements--Analyses prepared by:

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LEGISLATIVE ANALYSIS

RESOLUTION AUTHORIZING REFUND OF THE COST OF CONSTRUCTION OF TWO LANES OF CORAL WAY (SW 26 STREET) FROM SW 149 AVENUE TO SW 147 AVENUE

Public Works Department

I. SUMMARY

This resolution is requesting authorization, for the County, to refund an amount of \$200,196 to Super Construction (Super) related to road work done, by the developer, in association with the Marpi Homes Development on Coral Way west of 147th Avenue.

II. PRESENT SITUATION

In 1996, Super applied to build 70 homes in the area of Coral Way and 147th Ave.

Part of the agreement with the County called for Super to construct enhancements to Coral Way that would allow for an easier ingress / egress to and from the future Marpi Homes community. These improvements were to be made in-lieu of Road Impact Fees.

When platting was completed for the Marpi Project, it was realized that the enhancements to the road required of Super had already been completed by builders of developments immediately south of the Marpi property.

At that time, the PWD requested that Super make additional improvements in the area instead of the original project agreed to previously.

III. POLICY CHANGE AND IMPLICATION

Due to the fact that the enhancements required in the original agreement had already been accomplished by other sources, the County requested Super to make additional improvements in the area. These improvements were more extensive than the enhancements agreed to in the original agreement.

This resolution allows for the County to reimburse Super for costs of the additional work beyond the costs account for in the original agreement.

As stated in the Manager's memo, there is no administrative mechanism by which to reimburse companies in the type of instance. **(Page 2, Paragraph 2)**

IV. ECONOMIC IMPACT

\$200,196

This amount represents the cost of the project, above and beyond what the project's Road Impact Fees would have generated.

V. COMMENTS AND QUESTIONS

Due to the fact that it is often more expedient and efficient to require the developers to make these improvements at the same time that construction of the development occurs, shouldn't the County develop a mechanism to address these types of funding issues in the future?

These types of enhancements are beneficial to the developers, in that adequate access to the community makes the homes more attractive to potential buyers.

The Manager's memo mentions a verbal agreement related to the scope of the work to be performed. Are there documents memorializing the substance of said verbal agreement? Is this a common practice?

LEGISLATIVE ANALYSIS

ORDINANCE RELATING TO ZONING REGULATIONS FOR DOWNTOWN KENDALL URBAN CENTER DISTRICT; MODIFYING SECTION 33-284.61 REGULATING PLANS; AMENDING SECTION 33-284.63 ADDITIONAL PARAMETERS PERTAINING TO PERMANENT POINT OF SALE SIGNS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

Department of Planning & Zoning

I. SUMMARY

Proposed ordinance would amend the street frontage plan and point of sale signs for the Downtown Kendall Urban Center District.

II. PRESENT SITUATION

Long before the 1998 design workshop known as the Downtown Kendall Charette was conducted for the Dadeland area, the Miami-Dade County Department of Planning and Zoning (DP&Z) envisioned utilizing urban centers as a tool for promoting “smart growth” to build sustainable communities and protect the natural environment.

Since that time, urban centers have been proposed along present and future transit corridors (see attachment) as a means of directing and encouraging growth along the same pathway. They tend to be areas densely populated and diversified in use and may include among other things retail, restaurants, hotels, institutions, moderate to high density residential uses and well planned public spaces. The Comprehensive Development Master Plan (CDMP) states, " Diversified urban centers are encouraged to become hubs for future development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve" (CDMP, page I-38).

The County utilizes three types of urban centers based on intensity and size of the area:

1. Regional Centers – the downtown Miami central business district (the largest and also the only one designated in the County)
2. Metropolitan Centers– an example of which is Downtown Kendall
3. Community Centers – such as Naranja, Princeton and Goulds

“Regional and Metropolitan Centers shall accommodate a concentration and variety of uses and activities which will attract large numbers of both residents and visitors while Community-scale Urban Centers will be planned and designed to serve a more localized community” (CDMP, page I-38).

In 2000, Miami-Dade County Board of County Commissioners approved the Downtown Kendall Urban Center District as the first codified Metropolitan urban center. Since its approval, however, amendments have been deemed necessary by the Board due to unforeseen site restrictions and conflicts with other counties and State code.

III. POLICY CHANGE AND IMPLICATION

This ordinance would amend the following sections of the code:

Section 33-284.61

- Would allow for a service road designation, changing a “B” street to a “D” street on a property south of Kendall, east of the Palmetto.
- Changing specific street designations on a parcel west of the Dadeland South metro-rail station:
 - one from a “B” street to that of an “A” and “C” street, and
 - the other from a “D” street to that of a “C” street.

Section 33-284.63

- Allowing for larger point of sale wall signs in the Edge Sub-District north of Snapper Creek Canal and East of U.S. Highway 1 due to buildings being set back farther from the highway.

According to staff, the street designation changes and larger signage allows the developer better flexibility in the development of the site when applying urban center standards.

Furthermore, the larger signage requested for Section 33-284-63 is utilized in other sections of the Code.

IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

Future development in previously approved urban centers and districts like Downtown Kendall, Naranja, Princeton and Goulds may initiate the need for additional and similar modifications. According to staff, the modifications are triggered by the site, and code conflicts with other counties and the State and it is not possible to predict the necessary changes at the time of codification of each urban center and/or district.

ATTACHMENT ITEM 2(Q)

REVISE LAND USE PLAN MAP BY REPLACING RAPID TRANSIT AND ACTIVITY CENTERS WITH THE FOLLOWING

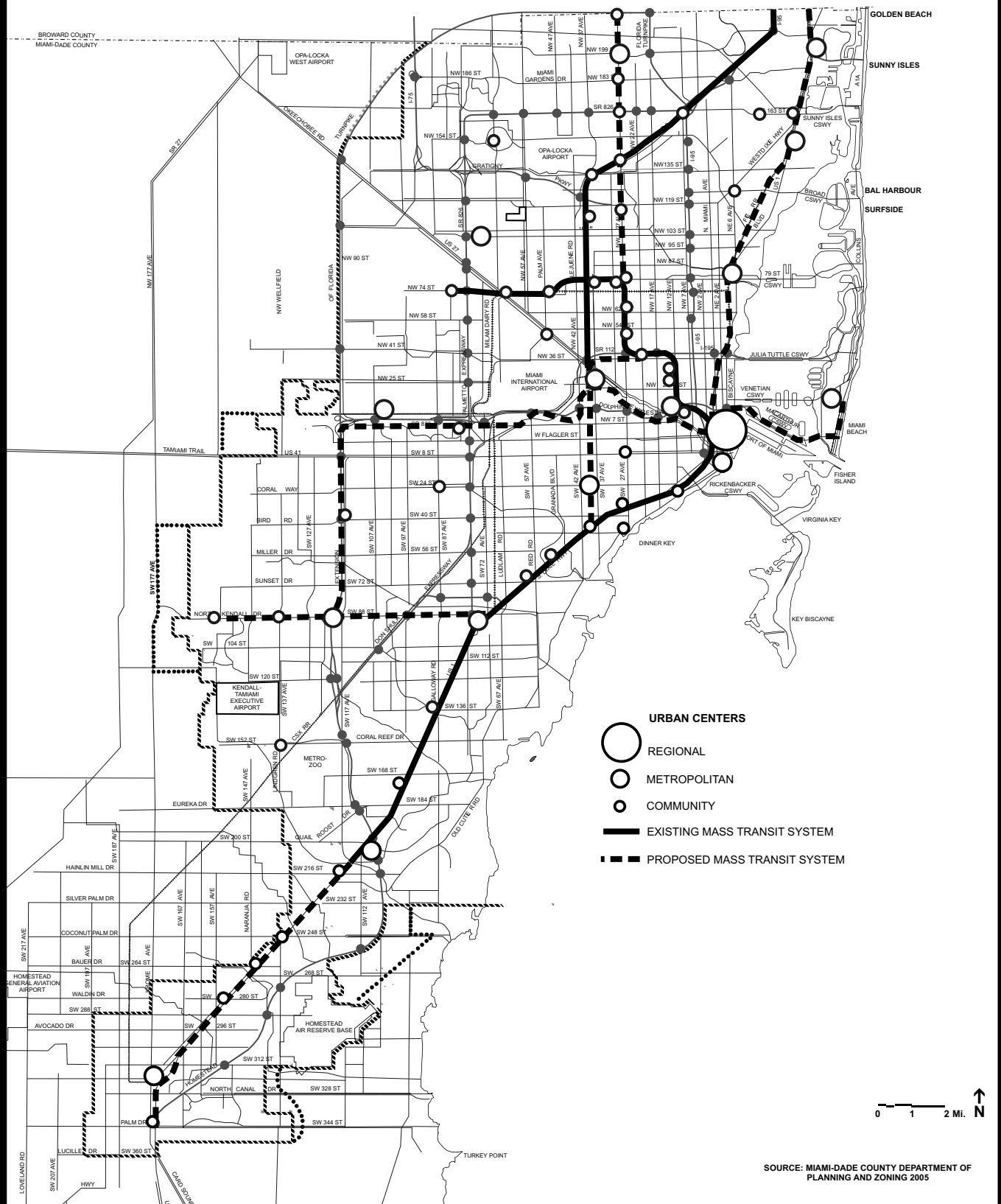


Figure S
**RECOMMENDED RAPID TRANSIT
AND URBAN CENTERS**

**DEPARTMENT OF
PLANNING AND ZONING**

LEGISLATIVE ANALYSIS

ORDINANCE APPROVING THE SPECIAL SEWER CONSTRUCTION CONNECTION CHARGE FOR BUILDINGS AND PROPERTIES WITHIN A CERTAIN AREA OF BRICKELL VILLAGE

Water and Sewer Department

I. SUMMARY

The proposed ordinance provides for the expansion of the local neighborhood sanitary sewers in the Brickell Village area. Approval of this ordinance will allow the construction of special sewer connections to buildings and properties within a certain area in Brickell Village.

II. PRESENT SITUATION

- The Water and Sewer Department (WASD) has determined that new and improved sewer connections are necessary for providing sufficient capacity for the anticipated growth in the respective Brickell Village area.

III. POLICY CHANGE AND IMPLICATION

- The department will design and construct the new facilities with its own funds.
- The department will be reimbursed later by collecting a pro-rata share of the cost from each property owner receiving new or improved sewer service in the area. The respective WASD customers will each pay a one-time fee for the special construction connection.

IV. ECONOMIC IMPACT

- The cost of the new facility is currently estimated at \$1,282,000.00.
- WASD will collect payments for reimbursement at a rate of \$4.44 per each average daily gallon.
- WASD's charge for the Brickell Basin Sewer Construction project is determined by dividing the total estimated cost of the new sewer facility (\$1,282,000.00) by the total estimated flow capacity of 288,739 gallons per day which results in **\$4.44 per gallon.**

V. COMMENTS AND QUESTIONS

(*Answers to the Questions below have been provided as a result of correspondence with the Water and Sewer Department.)

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1. This ordinance provides a specific rate at which the County will collect \$ 4.44 per each average daily gallon. If the cost of the project increases beyond \$1,282,000, will the County be caught paying the difference?

The Miami-Dade Water and Sewer Department is funding the project in its entirety. The special construction connection charge will be imposed only for additional or new sewer capacity at a rate of \$4.44 per gallon. It is a one-time charge. The Department will continue to charge the special construction connection charge as appropriate until the Department is reimbursed for the cost of the project.

2. What can be done if the project cost more than anticipated or a shortfall occurs due to the rate we are charging?

The ordinance can be amended to reflect revised cost estimates or actual construction costs.

3. Is there an estimate on the number of residents that will populate the area?

No, the Department does not have an estimate on the number of residents that will populate the area. However, the Department estimates that there will be an additional 1440 units at 200 gpd (gallons per day).

4. Is there an estimate on how much the average resident will use a day?

The Department estimates that there will be an additional 1440 units at 200 gpd (gallons per day). The special construction connection charge will be imposed only for additional or new sewer capacity at a rate of \$4.44 per gallon.

5. How long before this area fully reimburses the County the \$1,282,000?

The gravity sewer lines are being constructed to provide sewer capacity for anticipated growth in the area. Reimbursement of costs to the Department will take place as increased or new service is requested.

6. The item states that the BCC has approved similar special construction connection agreements in the past that have taken place by Ordinance No. 85-21 (re: 8TH Street and Brickell) and Ordinance 03-95 (re: vicinity of Downtown Kendall).
 - o Have we encountered any issues with these agreements?

The BCC did approve similar ordinances for 8th Street and Brickell and Downtown Kendall. Both projects were a success. In the case of the Downtown Kendall, the ordinance is being amended to meet actual construction costs.

LEGISLATIVE ANALYSIS

ORDINANCE PERTAINING TO ZONING REGULATION OF SIGNS AND ENFORCEMENT OF SIGN REGULATIONS; AMENDING SECTIONS 33-82, 33-86, 33-92 AND 8CC-10, AND CREATING SECTIONS 33-121.28-121.33 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (“CODE”); PROVIDING PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NOS. 051048 AND 051980]

Commissioner Katy Sorenson

I. SUMMARY

This proposed Ordinance amends present Code, establishing a review procedure for the regulation of Class C signs throughout the County. In addition, the Ordinance discusses the standardization of busway signs from Dadeland South to 304th Street along the South Miami-Dade Busway.

II. PRESENT SITUATION

Throughout the unincorporated and incorporated areas of Miami-Dade County, the height and scale of signs vary. In regards to the application and enforcement, the Sign Code of Miami Dade County, §33-82 (“Sign Code”) states the following:

- (a) Miami Dade County bears the burden of enforcement in the unincorporated areas and the incorporated areas if specified. When the Sign Code is applicable to a municipality, the municipality is responsible for enforcement.
- (b) If property in the unincorporated area fronting a street right-of-way forms a common boundary with a municipality, and if the zoning classifications on both sides of the boundary are comparable, the property in the unincorporated area shall comply with the provisions of the municipal ordinance, provided the municipality has a sign ordinance with stricter standards than the Sign Code. In such event Miami-Dade County shall apply and enforce the provisions of the municipal ordinance in the unincorporated areas of the County.

III. POLICY CHANGE AND IMPLICATIONS

The Department of Planning and Zoning will have the responsibility of reviewing all Class C – Outdoor Advertising Signs applications throughout the County and give a written determination of compliance before a permit can be pulled.

The amendments proposed include:

- Section 33-82
 - Establishing minimum standards for signs throughout Miami-Dade;

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- Section 33-86
 - Requiring all municipalities to obtain a written compliance determination from the Miami-Dade County Director of Planning and Zoning for only Class C signs;
- Section 33-92
 - Broadens responsibility;
- Section 8CC-10
 - Schedule of civil penalties;
- Sections 33-121.28-121.33
 - Prohibits Class C signs within 300 feet of the busway protected area.

IV. ECONOMIC IMPACT

Staff proposes that the greatest economic impact would be the modifications to Team Metro Case Management System and to the Geographical Information System (GIS) so that 311 can handle complaint calls. Other expenses include the creation of a database and the cost to purchase a scanner.

• Modifications to Team Metro & GIS -	\$22,100.00
• Database and Scanner -	\$ 8,500.00

Total =	\$30,600.00

Revenues resulting from fines and the cost of pursuing violations cannot be determined at this time.

V. COMMENTS AND QUESTIONS

None.

LEGISLATIVE ANALYSIS

ORDINANCE AMENDING THE COUNTY'S EXPEDITE PROGRAM FOR CAPITAL CONSTRUCTION, PROVIDING THAT THE PROGRAM SHALL BE REPEALED IN THE EVENT OF AN AMENDMENT TO THE COUNTY CHARTER MODIFYING THE RELATIVE POWERS, DUTIES OR OBLIGATIONS OF THE MAYOR, THE BOARD OF COUNTY COMMISSIONERS, OR THE MANAGER; REPEALING SUNSET PROVISIONS; AMENDING SECTION 2-8.2.7 OF THE CODE OF MIAMI-DADE COUNTY AND ORDINANCE NO. 05-155; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

County Manager

I. SUMMARY

Section 1 of this ordinance provides for an automatic repeal of the Capital Improvement Expedite Program if the voters approve any amendment to the County Charter which affects the powers of the Commission, the Mayor, or the Manager to award contracts.

Section 2 repeals the sunset provision of the Capital Improvement Expedite Program, currently scheduled to sunset in January 2006.

II. PRESENT SITUATION

The Expedite Ordinance provides authority for the Manager to advertise and award certain capital construction contracts under Safe Neighborhood Parks, Quality Neighborhood Initiative, Annual Proposed Capital Budget, Building Better Communities, Transportation Improvement Plan, and other programs.

III. POLICY CHANGE AND IMPLICATION

The repeal of the sunset provision for the Expedite Ordinance continues County policy of providing an expedited manner for the Manager to negotiate and award non-controversial capital improvement projects, with previous Commission approval, for certain projects.

The automatic repeal of the Expedite Ordinance prevents the Manager from utilizing the Expedite Ordinance if the power of approval of contracts is transferred from the Commission to the Mayor upon voter approval of a Charter amendment, such as the Strong Mayor Proposal.

IV. ECONOMIC IMPACT

The Manager's report states that a sunset of the Expedite Ordinance will cost \$1 million more in staff time and project costs.

INLUC ITEM 4(A)

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V. COMMENTS AND QUESTIONS

Earlier this year, Citizens for Reform PAC sponsored a petition to amend the Charter to create an Executive Mayor for Miami-Dade County. Voter approval of the Strong Mayor Proposal will result in the transfer of executive power from the Commission to the Mayor. This Strong Mayor Proposal was struck off the ballot by Circuit Judge Genden on August 10th. Citizens for Reform has filed its notice of appeal.

A separate petition from Citizens for Reform PAC sought to amend Sec. 4.03D of the Charter, to transfer final approval of a procurement contract from the Commission to the responsible department director. That petition did not secure enough signatures by the 60 day deadline. Regardless of the failure of the procurement petition, the administration of competitive bidding might be considered an executive power, which would transfer to the Mayor under the Strong Mayor Proposal.

If the Strong Mayor Proposal is approved by the voters, the Commission still retains power to adopt ordinances and resolutions which place restrictions on the procurement process. However, the Commission might not retain the power to authorize a specific RFP, or to award a contract to a bidder of its own choosing (even by waiving competitive bidding). The Commission might retain only the Sec. 4.03D power to approve or reject the final contract award, as submitted by the Mayor.

ADDITIONAL INFORMATION

<u>Item#</u>	<u>Subject Matter</u>	<u>Comments/Questions</u>
2(O)	<ul style="list-style-type: none">Resolution: Approving Addendum #3 for PSA w/ Earth Tech Consulting	<p>(Answers to the Questions below have been provided as a result of correspondence with the Water and Sewer Department.)</p> <ol style="list-style-type: none">The additional \$2,500,000 should be attributed to what particular services?<ul style="list-style-type: none"><i>The funds will be used for water and wastewater improvement projects in all 13 districts.</i>Within Attachment No. 1 there are 2 projects planned for GOB with PSA money allocated (\$200,000 and \$600,000) to them but no project assigned. Why is this taking place? And how do we justify giving \$800,000 for services without identifying the project and the work involved?<ul style="list-style-type: none"><i>The \$800,000 represents total project costs. These funds were unilaterally allocated by the Office of Capital Improvements from the GO Bonds proceeds. The Department is in the process of identifying appropriate projects in the specific districts for the amounts provided.</i>